

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS  
FOR THE DEPARTMENT OF LABOR AND INDUSTRY

In the Matter of Diamond Construction  
Company, Inc.

**SECOND PREHEARING ORDER**

A prehearing conference was scheduled to be held by telephone conference call in the above matter at 10:30 a.m. on April 17, 2007. Michael J. Tostengard, Assistant Attorney General, 445 Minnesota Street, Suite 1200, St. Paul, Minnesota 55101-2130, appeared on behalf of the Department of Labor and Industry. There was no appearance on behalf of Diamond Construction Company, 12235 Grouse Street N.W., Coon Rapids, Minnesota 55448.

Based upon information provided by counsel for the Department concerning the status of the parties' settlement discussions, IT IS HEREBY ORDERED as follows:

1. The parties shall exchange and file proposed exhibit and witness lists by **Friday, June 1, 2007**. The witness lists shall include a brief summary of the expected testimony of each witness.
2. The hearing in this matter shall be held on **Friday, June 15, 2007**, commencing at 9:30 a.m. in the courtrooms of the Office of Administrative Hearings, 100 Washington Avenue South, Suite 1700, Minneapolis, Minnesota 55401. The hearing will be tape-recorded unless the parties notify the Administrative Law Judge by June 8, 2007, that they will require the services of a court reporter at the hearing.
3. The parties shall appear at the hearing with at least three copies of each exhibit they plan to offer into evidence.
4. The rules adopted by the Office of Administrative Hearings governing contested cases require that requests for continuances be made in writing to the Judge and be served on all the parties unless time does not permit, and specify that continuances shall be granted only for good cause. The rules also require that requests for continuances filed within five (5) business days of the scheduled hearing shall be denied unless the reason for the request could not have been earlier ascertained. See Minn. Rules 1400.7500.
5. **Diamond Construction is reminded that, if it fails to appear at the hearing without good cause and without making an appropriate request for a continuance in advance of the hearing, it shall be deemed to be in default and the allegations or issues set forth in the Notice of and Order for Hearing may be deemed proved, its residential building contractor**

**license may be revoked or suspended, and it may be censured and/or a civil penalty may be imposed against it without further proceedings.**

Dated: April 17, 2007.

s/Barbara L. Neilson

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BARBARA L. NEILSON

Administrative Law Judge